

V.F.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER: 07/929,961 FILING DATE: 08/14/92 FIRST NAME: NISHITANI YAMA-113

NEIL A. DUCHEZ
RENNER, OTTO, BOISSELLE & SKLAR
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

12M1

RIZZO, N

ATTORNEY

EXAMINER

1202

DATE MAILED

04/02/93

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire ONE month(s), _____ days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-882. | 2. <input type="checkbox"/> Notice of Patent Drawing, PTO-848. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-22 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-22 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice of Patent Drawing, PTO-848).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit 1202

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-11, 18-22, drawn to compounds, composition and method, classified in Class 514, subclass 210.

II. Claims 12 and 13, drawn to intermediates, classified in Class 548, subclass 558.

III. Claims 14-15, drawn to process, classified in Class 548, subclass 558.

IV. Claims 16-17, drawn to process, classified in Class 540, subclass 350.

The inventions are distinct, each from the other because of the following reasons:

The compounds of group I maybe prepared by other than through the intermediates of group II or through the process of group IV. Also, the intermediates of group II may be prepared by other than through the process of group III. And also these compounds possess other utility i.e. as herbicides and fungicides. The burden falls on applicants to disprove the assertions of the examiner. In re Young 81 USPQ 139. Applicants have the right to examination of a single invention not multiple inventions.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Serial No. 07/929,961

-3-

Art Unit 1202

Any inquiry concerning this communication should be directed to examiner Rizzo at telephone number (703) 308-1235.

Rizzo:lb
March 29, 1993


NICHOLAS S. RIZZO
PATENT EXAMINER
GROUP 120 - ART UNIT 122